

#39/508
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CERTIFICATE OF HAND DELIVERY	
I hereby certify that this correspondence is being hand delivered for filing to: Examiner Tina Katcheves, Group Art Unit 1636, Commissioner for Patents, Washington, D.C. 20231, on the date below:	
<u>8/8/02</u> Date	<u>Atten Si' delin</u> Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: UTXC:504

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Prior Application Examiner:
K. Katcheves

AUG 22 2002

Prior Group Art Unit: 1636

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BOX CPA
Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR FILING CONTINUED PROSECUTION APPLICATION (CPA)
UNDER 37 C.F.R. § 1.53(d)

This is a request for filing a **continuation** application under Rule 53 (37 CFR § 1.53(d)) of pending prior application Serial No. 08/726,211, filed on October 4, 1996, entitled "INHIBITION OF Bcl-2 PROTEIN EXPRESSION BY LIPOSOMAL ANTISENSE OLIGODEOXYNUCLEOTIDES."

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

08/22/2002 RHAR:100000004 08726211 Enter the unentered amendment previously filed on under 37 C.F.R. § 1.116
01 FC:279 370.00 OP
02 FC:203 351.00 OP
03 FC:202 168.00 OP
☒ 2. A preliminary amendment is enclosed.

- ☐ 3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- ☐ (a) **DELETE** the following inventor(s) named in the prior nonprovisional application:
- ☐ (b) The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ 4. A new Power of Attorney is enclosed.
- ☒ 5. An Information Disclosure Statement (IDS) is enclosed.
- ☒ (a) PTO-1449.
- ☒ (b) Copies of IDS citations.
- ☒ 6. Enclosed is a check to cover the filing fee as calculated below. The fee is calculated after entry of the preliminary amendment.

FEE SHEET

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$370.00
Total Claims	59 - 20 =	39 X	\$9.00 =	\$351.00
Independent Claims	7 - 3 =	4 X	\$42.00 =	\$168.00
Multiple Dependent Claim(s) -----				\$-0-.00
TOTAL FILING FEES:				\$889.00

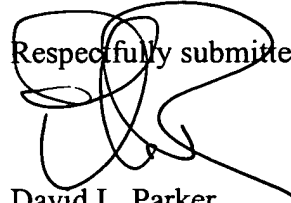
- ☒ 7. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

- ☐ (c) Small entity status is no longer claimed.
- ☒ 8. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/UTXC:504.
- ☐ 9. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
- ☐ 10. Priority of application Serial No. _____ filed on _____ in the country of _____ is claimed under 35 U.S.C. § 119.
- ☒ 11. Address all future communications to:
- David L. Parker
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3055
- ☒ 12. Other: French patent application, publication number 2 649 321; Supplemental Information Disclosure Statement with references C135-C140; \$180 check for filing Supplemental Information Disclosure Statement.
- ☒ 13. Return Receipt Postcard (should be specifically itemized).

It is understood that secrecy under 35 U.S.C: § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file jacket of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file jacket, the

Patent and Trademark Office may provide similar information or access to all the other applications in the same file jacket.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Parker', written over the words 'Respectfully submitted,'.

David L. Parker
Reg. No. 32,165
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201
(512) 536-4598 (facsimile)

Date: August 7, 2002

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<u>8/8/02</u> Date	<u>Atui Srdclian</u> Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mar Tormo

Ana M. Tari

Gabriel Lopez-Berestein

Serial No.: 08/726,211

Filed: October 4, 1996

For: INHIBITION OF BCL-2 PROTEIN
EXPRESSION BY LIPOSOMAL
ANTISENSE
OLIGODEOXYNUCLEOTIDES

Group Art Unit: 1636

Examiner: K. Katcheves

Atty. Dkt. No.: UTXC:504

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PRELIMINARY AMENDMENT AND REMARKS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This preliminary amendment is filed in order to request the entry of various amendments to the claims in connection with Applicants concurrent filing of a CPA in the referenced patent prosecution matter, and, further, to present Applicants comments in response to the vacatur and remand by the Board of Patent Appeals and Interferences.